

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

IN RE: SHERRY L PEREZ
5818 COULSON CT
LANSING, MI 48911

CASE NO: DL-17-00796
Chapter 13
HON. SCOTT W. DALES
Filed: February 27, 2017

Confirmed: August 14, 2017

TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE

NOW COMES, Barbara P. Foley, Chapter 13 Trustee ("Trustee") and files her Motion to Dismiss for the following reasons:

THE CHAPTER 13 PLAN AS PROPOSED WILL COMPLETE BEYOND 60 MONTHS FROM CONFIRMATION AND IS NO LONGER FEASIBLE. THE FEASIBILITY ISSUE IS A RESULT OF FAILURE TO MAKE PAYMENTS ACCORDING TO THE CHAPTER 13 PLAN AND INCREASED POST -PETITION MORTGAGE PAYMENTS. THE PLAN ARREARS ARE \$3,593.00.

WHEREFORE, your Trustee respectfully prays:

- A. That this Court enter an Order dismissing the Debtor's Chapter 13 Case.
- B. That this Court grant such other relief as it finds just and equitable.
- C. Upon dismissal of the Chapter 13 case, the Trustee has cause pursuant to 11 U.S. C. § 349(b) and may retain any funds on hand for such time as is necessary to accommodate the dishonor or recall period appropriate to the method of payment received.

August 25, 2020

/s/ Barbara P. Foley

Barbara P. Foley (P34558)
CHAPTER 13 TRUSTEE
Po Box 51109
Kalamazoo, MI 49005
(269)343-0305

This document has been electronically filed with the Court and the Attorney for Debtor and mailed to the Debtor.

Attorney for Debtor:

ANDERSEN, ELLIS & SHEPHARD
866 3 MILE NW STE B
GRAND RAPIDS, MI 49544

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NOTICE OF MOTION TO DISMISS

NOTICE IS HEREBY GIVEN that the Chapter 13 Trustee has filed a Motion to Dismiss in the above captioned proceeding. A copy of said Motion is attached to this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The Debtor may file a written objection to the Trustee's Motion to Dismiss with:

Clerk of the Bankruptcy Court
One Division Avenue N
Room 200
Grand Rapids, MI 49503

AND

Barbara P. Foley
Chapter 13 Trustee
Po Box 51109
Kalamazoo, MI 49005
(269)343-0305

In compliance with Local Bankruptcy Rule 9013(d) and Federal Rules of Bankruptcy Procedure 9013 and 9014, said written objection shall be filed within thirty (30) days from the date of service of the Trustee's Motion. If an objection is filed, a hearing will be held on November 05, 2020 at 9:00 am at the Bankruptcy Court, 315 W. Allegan, Room 101, U.S. Post Office & Courthouse, Lansing, Michigan. If a proper objection is not timely filed the Trustee may file with the Court an Affidavit of No Response together with a proposed Order to Dismiss. The Court shall enter the Order without a hearing upon receipt of the Affidavit.

Served by: BJH on: 08/25/2020

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PROOF OF SERVICE

On the date below, I mailed a copy of the TRUSTEE'S MOTION TO DISMISS by regular first class mail to Debtor and electronic service on Debtor's Attorney .

SHERRY L PEREZ
5818 COULSON CT
LANSING, MI 48911

ANDERSEN, ELLIS & SHEPHARD
866 3 MILE NW STE B
GRAND RAPIDS, MI 49544

I declare that the above statements are true to the best of my information , knowledge, and belief.

Dated: August 25, 2020

/s/ Beckie Hadley

Assistant to Barbara P. Foley
Chapter 13 Trustee
PO BOX 51109
KALAMAZOO, MI 49005
(269)343-0305